

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

HAROLD MARSHALL

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:22cv185HSO-RHWR

LANDSTAR RANGER, INC., AND  
JOSEPH ANTHONY ARNONE

DEFENDANTS

**NOTICE OF REMOVAL**

TO: Kendra Necaise, Clerk  
Circuit Court, Harrison County  
1523 Main Street, Suite B  
Bay St. Louis, MS 39520

Kenneth M. Altman (MSB #9936)  
Morris Bart  
1712 15<sup>th</sup> Street Ste 200  
Gulfport MS 39501  
***ATTORNEY FOR PLAINTIFF***

In accordance with 28 U.S.C. § 1332, 1441, and 1446, you are hereby notified that the named Defendants, Landstar Ranger, Inc., and Joseph Anthony Arnone, have removed this civil action from the Circuit Court of Hancock County, Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division, and in support hereof would show unto the Court the following:

1. This action was filed in the Circuit Court of Hancock County, Mississippi, as Cause No. 23CI1:22-cv-00079. Plaintiff's Complaint names Landstar Ranger, Inc., and Joseph Anthony Arnone. (See Ex. A, Complaint).

2. There is complete diversity of citizenship between the Plaintiff and named Defendants, Landstar Ranger, Inc., and Joseph Anthony Arnone. Plaintiff is an adult resident of the State of Louisiana, and thus a citizen of and domiciled in Louisiana. (See Ex. A, Complaint,

para. 1). Defendant, Joseph Anthony Arnone is an adult resident of Theodore, Alabama, and thus a citizen of and domiciled in Alabama. (See Ex. B, Executed Summon Return). Defendant, Landstar Ranger, Inc., is a foreign corporation organized under the laws of the State of Delaware, with its principal place of business in Jacksonville, Florida and thus a citizen of and domiciled in Florida. (See Ex. A, Complaint, para. 3). Accordingly, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

3. The United States District Court for the Southern District of Mississippi, Southern Division, has original subject matter jurisdiction over this civil action because there is complete diversity among the parties, as noted, pursuant to 28 U.S.C. § 1332. No party properly joined as a Defendant is domiciled in the State of Mississippi nor has its principal place of business in the State of Mississippi. The amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00. (See Ex. C, Plaintiff's Answers to Requests for Admissions dated June 21, 2022). Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

4. The amount in controversy in this civil action, exclusive of interest and costs, is in excess of the minimum jurisdictional amount of this Court. Per his Response to Request for Admission Number 1, Plaintiff seeks compensatory damages in excess of \$75,000.00, as noted above. *Id.* Therefore, this Court's minimal jurisdictional threshold is satisfied. 28 U.S.C. § 1332.

5. The alleged compensatory damages for Plaintiff was initially unknown from the Complaint. (See Ex. A, Complaint). This Notice of Removal is timely filed because it has been filed within 30 days of receipt of Plaintiff's Answers to Requests for Admissions. (See Ex. C, Plaintiff's Answers to Requests for Admissions dated June 21, 2022). Further, it is filed within

one year of the filing of the original Complaint. 28 U.S.C. § 1446(b).

6. This action is not one rendered non-removable by 28 U.S.C. § 1445.

7. Copies of all process, pleadings, and orders served on the Defendant in the State Court action are attached as Exhibit “D” to this Notice. Attached as Exhibit “E” is the Civil Cover Sheet.

8. A copy of the Notice of Removal is being served on the Plaintiff, by and through his attorney of record, and the Clerk of the Circuit Court of Harrison County, Mississippi, First Judicial District.

WHEREFORE, Landstar Ranger, Inc., and Joseph Anthony Arnone, serve this Notice and hereby removes this case pursuant to 28 U.S.C. § 1332, 1441, and 1446, and Plaintiff herein is notified to attempt to proceed no further in this case in the Circuit Court of Hancock County, Mississippi unless by Order of the United States District Court for the Southern District of Mississippi, Southern Division.

RESPECTFULLY SUBMITTED, this the 18<sup>th</sup> day of JULY, 2022.

**LANDSTAR RANGER, INC. and  
JOSEPH ANTHONY ARNONE,  
Defendants**

BY: **CARR ALLISON**, its Attorneys

BY: *s/Nicole Harlan, MB #105412*  
DOUGLAS BAGWELL, MB #1682  
NICOLE M. HARLAN, MB#105412

**CERTIFICATE OF SERVICE**

I hereby certify that on ***July 18, 2022***, I electronically filed the foregoing with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

Kenneth M. Altman (MSB #9936)  
Morris Bart  
1712 15<sup>th</sup> Street Ste 200  
Gulfport MS 39501  
Phone: 228-276-0308  
Fax: 228-865-7885  
Email: [kaltman@morrisbart.com](mailto:kaltman@morrisbart.com)

*s/Nicole Harlan, MB #105412*  
\_\_\_\_\_  
DOUGLAS BAGWELL, MB #1682  
NICOLE M. HARLAN, MB#105412

**CARR ALLISON**

Douglas Bagwell/MB#1682  
Nicole M. Harlan/MB#105412  
1319 26th Avenue  
Gulfport, MS 39501  
Phone: (228) 864-1060  
Fax: (228) 864-9160  
E-mail: [dbagwell@carrallison.com](mailto:dbagwell@carrallison.com)  
E-mail: [nharlan@carrallison.com](mailto:nharlan@carrallison.com)